

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

BRISTOL BAY ECONOMIC DEVELOPMENT
CORPORATION, *et al.*,

Plaintiffs,

v.

CHRIS HLADICK
U.S. Environmental Protection Agency, *et al.*,

Defendants.

Case No. 3:19-cv-00265-SLG

SALMONSTATE, *et al.*,

Plaintiffs,

v.

CHRIS HLADICK,
U.S. Environmental Protection Agency, *et al.*,

Defendants.

Case No. 3:19-cv-00267-SLG

TROUT UNLIMITED,

Plaintiff,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,

Defendants.

Case No. 3:19-cv-00268-SLG

**DECLARATION OF WESLEY JAMES FURLONG IN SUPPORT OF
PLAINTIFFS' MOTION TO LIFT STAY**

I, Wesley James Furlong, declare the following:

1. I am over the age of eighteen and competent to testify to the matters herein.

2. I am a Staff Attorney at the Native American Rights Fund in Anchorage, Alaska. In that capacity, I represent the Nondalton Tribal Council as a Cooperating Agency, *see* 40 C.F.R. § 1501.6, in the U.S. Army Corps of Engineers' ("USACE") National Environmental Policy Act ("NEPA") review of the proposed Pebble Mine.

3. On March 31, 2020, in that capacity and on behalf of the Nondalton Tribal Council, I participated in a Cooperating Agency technical meeting teleconference hosted by the USACE for the Pebble Mine NEPA process.

4. The purpose of this teleconference was for the USACE to provide an update on the NEPA process to the Cooperating Agencies.

5. During the teleconference, the USACE was asked whether its timeline for review of the Pebble Mine Clean Water Act permit application had been delayed because of the escalating COVID-19 pandemic.

6. In response, USACE Project Manager Shane M. McCoy stated that the USACE's timeline was unchanged.

7. Specifically, Mr. McCoy stated that the USACE still intended to publish its final environmental impact statement (“EIS”) for the proposed Pebble Mine by mid-June 2020.

8. Mr. McCoy stated that while the NEPA requires that a record of decision (“ROD”) cannot be issued sooner than thirty days after the publication of a Final EIS, the USACE intends on issuing its ROD for the Pebble Mine around sixty days after the publication of the Final EIS.

9. Mr. McCoy stated that the ROD would be issued jointly by the USACE, the U.S. Coast Guard, and the U.S. Bureau of Safety and Environmental Enforcement.

10. Mr. McCoy indicated that the timeline for the publication of the Final EIS and the issuance of the joint ROD would not likely change because of the COVID-19 pandemic.

11. Attached to this Declaration are the minutes from the March 31 teleconference. The minutes were compiled by the USACE’s EIS contractor, AECOM, and distributed to Cooperating Agencies immediate after the end of the teleconference. *See* Exhibit A.

12. The minutes reflect Mr. McCoy’s statements regarding the intended date of publication of the Final EIS, but omit his statements regarding the intended date of the issuance for the joint ROD.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED this 3rd day of April, 2020.



Wesley James Furlong